IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 19483 of 2006(T)

PETITIONER:
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1. CISSY MATHEW, KARUTHEDATH HOUSE, THARIYODE, WAYNAD.

2. VENU P.,PANGINIKKOTTU HOUSE, PAZHUPATHOOR P.O., WAYANAD.

BY ADV. SRI.K.JAGADEESCHANDRAN NAIR

RESPONDENTS:
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1. THE SULTHAN BATHERY SERVICE CO-OPERATIVE BANK LTD.,SULTHAN BATHERY REPRESENTED BY ITS SECRETARY.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), WAYNAD, KALPETTA.

BY ADV. SRI.M.P.ASHOK KUMAR
BY GOVT.PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007 ALONG WITH W.P.(C) No. 27833/2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 194583/2006 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the order in WP(C) No.25911/2005 dated 1-09-2005

Ext.P2: Tgrue copy of the resolution dated 22-06-2006

Ext.P3: True copy of the hall ticket of the ist petitioner

Ext.P4: True copy of the hal ticket of the 2nd petitioner

Ext.P5: True copy of the interview card of the 1st petitioner

Ext.P6: True copy of the interview card of the 2nd petitioner

Ext.P7: True copy of the marks list of the 1st petitioner

Ext.P8: True copy of the marks list of the 2nd petitioner

Ext. P9 True copy of the order dated 27-8-2005 of the 2nd respondent

RESPONDENT'S EXHIBITS

Ext.R1(a) : Photocopy of resolution No.12 dated 22-6-2006

//True copy//

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S.SIRI JAGAN .J

W.P (C) Nos. 19483 & 27833 of 2006

Dated this the 9th day of March 2007

JUDGMENT

These two writ petitions are filed by aspirants for selection to the post of peons in the 1st respondent society. Originally a written test was conducted. The Joint Registrar intervened and stayed further selection process. The respondent society filed a writ petition namely 25911/2005 in which an interim order was obtained by Ext.P1 judgment reads as follows:-

> *" Govt. pleader takes notice for R1. Urgent notice to R2. Ext.P3 will stand stayed. Selection to the post of peon shall continue as scheduled. However no appointment shall be made until further orders"*

2. Accordingly pursuant to the said order the written examination was completed . However as a result of some agitation stated to have been staged by the DYFI, which is a youth organisation affiliated to a political party, the 1st respondent could not conduct the interview. In view of the said agitation the 1st respondent society is stated to have decided to cancel the selection and withdrawn the writ petition. The petitioners have now approached this Court for a direction to the 1st respondent society to complete the said selection process and made appointments from the select

list to be prepared pursuant to the selection process which has already been commenced with the permission of this Court.

3. They also seek quashing of resolution dated 22-6-2006 passed by the Managing committee of the 1st respondent society whereby the Managing Committee decided to cancel the selection process already initiated. According to them there is no reason for adopting such a resolution in so far as the resolution itself categorically holds that the written test and subsequent proceedings in the selection has been conducted by the society in strict compliance with section 80 of the Co-operative Societies Act with utmost transparency and bonafides. The only reason mentioned in Ext.P2 for cancelling the selection process is that in respect of such selection there has been press reports which casts aspersions on the society and therefore they have decided to cancel the selection process.

4. I have considered the rival contentions of the parties in detail. The bank has filed a counter- affidavit in W.P.(C) No.19483/2006. In that also the bank categorically admits that there has been no irregularities in the selection process and only because of the misleading press reports regarding the selection which caused a blot on the good name of the

society that they have decided to cancel the selection. I am not satisfied that, that is a good reason for cancelling a validly conducted selection process which has already commenced. The 1st respondent society has no case that now there is any order which stands in the way of the society in continuing the selection process. A selection process validly conducted by society cannot be thwarted by a political organisation and the society cannot at the will and pleasure of a political party cancel a selection process simply because it is not to the liking of such a political organisation. A co-operative society is bound only by the Co-operative Societies Act and Rules and not by the external dictats of a political organization.

5. In the above circumstances I quash Ext.P2 resolution of the 1st respondent society. I further direct the first respondent society to continue the selection process already initiated as permitted by this Court in W.P.(C) No. 25911/2005 to its logical conclusion and appoint persons from the select list prepared pursuant to such selection process as expeditiously as possible. The writ petitions are allowed as above. The concerned police officers within whose jurisdiction the bank is situated shall render all necessary police protection to the petitioner , bank and the candidates who appear for the selection process, for the safe conduct of the entire selection process on production of a copy of this judgment. I make it

clear that the society shall not on the ground of any political interference postpone the selection process and they shall positively conduct the selection process with the aid of the police if necessary,and the police shall see that no political organization or anybody else interferes with the process in any manner .

S.SIRI JAGAN .JUDGE

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